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Filing date: **11/19/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206079
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	SCOTT P CERESIA COWAN LIEBOWITZ A& LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES spc@cll.com, jmn@cll.com, trademark@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Scott P. Ceresia
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Signature	/Scott P. Ceresia/
Date	11/19/2012
Attachments	MATHLETICS - Motion to Suspend (Nov. 19, 2012).pdf (4 pages)(13488 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/411,190
Filed: August 30, 2011
For Marks: MATHLETICS and Design
Published in the Official Gazette: January 17, 2012

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ATHLETICS INVESTMENT GROUP LLC D/B/A	:
THE OAKLAND ATHLETICS BASEBALL	:
COMPANY,	:
	:
Opposer,	:
	:
v.	:
	:
3P LEARNING PTY LIMITED,	:
Applicant.	:
-----X	

Opposition No. 91206079

**MOTION ON CONSENT TO CONTINUE SUSPENSION OF PROCEEDINGS
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order continuing the suspension of the proceedings in this matter for a period of three (3) months, until **February 17, 2013**. Applicant consented to this motion, which is requested to allow the parties to engage in settlement discussions.

As noted in Opposer's November 2, 2012 motion for suspension in related Opposition No. 91197518, since the last suspension, on September 20, 2012, Opposer's outside counsel held a lengthy telephone call with Opposer's in-house counsel and discussed in detail Applicant's revised settlement offer. In connection with that discussion, Opposer's in-house counsel conducted research into several issues arising from the proposed settlement terms and communicated the results of that research to Opposer's outside counsel by email on September

24, 2012. Upon receiving that information from Opposer's in-house counsel, on September 25, 2012, Opposer's outside counsel and Applicant's counsel engaged in settlement discussions by telephone and actively negotiated a set of core settlement terms, which Opposer's outside counsel memorialized in email correspondence later that day. Specifically, the parties believe that they have reached agreement on core terms relating to the use and registration of their respective marks. On September 28, 2012, Applicant's counsel sent a follow-up email communication confirming its understanding of the parties' core settlement terms and directing the parties to reduce those terms to writing. Thereafter, Opposer's outside counsel drafted a proposed settlement agreement reflecting these agreed-upon core settlement terms. On October 9, 2012, Opposer's outside counsel sent the proposed settlement agreement to Opposer's in-house counsel for their review. The additional time is requested to allow Opposer's in-house counsel the time to review and submit comments on the proposed settlement agreement, which has been delayed in part due to other pressing obligations, including the Major League Baseball Postseason and World Series games in October, as well as disruptions caused by Hurricane Sandy. If accepted, the settlement agreement would resolve this matter without the need to continue with the opposition proceedings.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until sixty (60) days after such denial.

If the Board grants this motion, the Board should also reset Applicant's time to answer or otherwise respond to the Notice of Opposition. Additionally, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the

proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be reset accordingly.

Dated: New York, New York
November 19, 2012

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Scott P. Ceresia/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 19, 2012, I caused a true and correct copy of the foregoing Motion on Consent to Suspend to be sent via First Class Mail, postage prepaid, to Applicant's attorney of record and correspondent, Barry F. Soalt, Esq., Procopio Cory Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101.

/ Scott P. Ceresia/
Scott P. Ceresia